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# LYNCH LAW IN THE SOUTH.

BY THE HON. FREDERICK DOUGLASS.

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THE frequent and increasing resort to lynch law in our Southern States, in dealing with alleged offences by negroes, marked as it is by features of cruelty which might well shock the sensibility of the most benighted savage, will not fail to attract the attention and animadversion of visitors to the World's Columbian Exposition.

Think of an American woman, in this year of grace 1892, mingling with a howling mob, and with her own hand applying the torch to the fagots around the body of a negro condemned to death without a trial, and without judge or jury, as was done only a few weeks ago in the so-called civilized State of Arkansas.

When all lawful remedies for the prevention of crime have been employed and have failed ; when criminals administer the law in the interest of crime ; when the government has become a foul and damning conspiracy against the welfare of society ; when men guilty of the most infamous crimes are permitted to escape with impunity ; when there is no longer any reasonable ground upon which to base a hope of reformation, there is at least an apology for the application of lynch law ; but, even in this extremity, it must be regarded as an effort to neutralize one poison by the employment of another. Certain it is that in no tolerable condition of society can lynch law be excused or defended. Its presence is either an evidence of governmental depravity, or of a demoralized state of society. It is generally in the hands of the worst class of men in the community, and is enacted under the most degrading and blinding influences. To break down the doors of jails, wrench off the iron bars of the cells, and in the dark hours of midnight drag out alleged criminals, and to shoot, hang, or burn them to death, requires preparation imparted by copious

draughts of whiskey, which leave the actors without inclination or ability to judge of the guilt or innocence of the victims of their wrath.

The consensus of opinion in the early days of California permitted a vigilance committee, composed of respectable men, to hang a lot of thieves, thugs, gamblers and cut-throats ; but it may now be fairly doubted whether even this example has not been an injury rather than a benefit to society, since it has been made the excuse for other uprisings of the people where there was no such justification as existed in California. But, granting that there may be instances where a sudden and spontaneous uprising of the populace may properly set aside the ordinary processes of the law for the punishment of crime and the preservation of society, it must still be admitted that there is, in the nature of the act itself, the essence of a crime more far-reaching, dangerous, and deadly than the crime it is intended to punish. Lynch law violates all of those merciful maxims of law and order which experience has shown to be wise and necessary for the protection of liberty, the security of the citizen, and the maintenance of justice for the whole people. It violates the principle which requires, for the conviction of crime, that a man shall be confronted in open court by his accusers. It violates the principle that it is better that ten guilty men shall escape than that one innocent man shall be punished. It violates the rule that presumes innocence until guilt is proven. It compels the accused to prove his innocence and denies him a reasonable doubt in his favor. It simply constitutes itself not a court of trial, but a court of execution. It comes to its work in a storm of passion and thirsting for human blood, ready to shoot, stab, or burn its victim, who is denied a word of entreaty or explanation. Like the gods of the heathen these mobs have eyes, but see not, ears, but hear not, and they rush to their work of death as pitilessly as the tiger rushes upon his prey.

Some of us are old enough to remember the storm of displeasure that came up from all the regions of slavery against William H. Seward for the utterance of an idea of a higher law than the law of slavery. Then the South stood up stoutly for the authority and binding force of the regularly-enacted laws, including even the infamous Fugitive Slave Law. It took to itself credit for being the conservative element in our govern-

ment, but to-day it is the bold defender of the usurpations of the mob, and its territory, in many parts, has become the theatre of lawless violence against a defenceless people. In the arguments in its defence, however, there is quite observable a slight degree of respect for the opinion of mankind and a disposition to conciliate that opinion. The crime which these usurpers of courts, laws, and juries, profess to punish is the most revolting and shocking of any this side of murder. This they know is their best excuse, and it appeals at once and promptly to a prejudice which prevails at the North as well as the South. Hence we have for any act of lawless violence the same excuse, an outrage by a negro upon some white woman. It is a notable fact, also, that it is not with them the immorality or the enormity of the crime itself that arouses popular wrath, but the emphasis is put upon the race and color of the parties to it. Here, and not there, is the ground of indignation and abhorrence. The appeal is not to the moral sense, but to the well-known hatred of one class towards another. It is an appeal that not only stops the ears and darkens the minds of Southern men, but it palliates the crime of lawless violence in the eyes of Northern men. The device is used with skill and effect, and the question of guilt or innocence becomes unimportant in the fierce tumult of popular passion.

For two hundred years or more, white men have in the South committed this offence against black women, and the fact has excited little attention, even at the North, except among abolitionists; which circumstance demonstrates that the horror now excited is not for the crime itself, but that it is based upon the reversal of colors in the participants. Yet this apology, rightly considered, utterly fails to palliate the crime of lynch law. For if the charge against the negro is true, with the evidence of his guilt overwhelming, as is usually asserted, there could be no rational doubt of his certain punishment by the ordinary processes of the law. Thus the very argument in defence of the mob proves the criminality of the mob. If in any case there could be shown an element of doubt of the certain lawful conviction and punishment of the accused, there might be admitted some excuse for this lawless method of administering justice. But for no such doubt is there any contention. No decent white man in the South will pretend that in that region there could be impannelled a jury, black,

white, or mixed, which would in case of proof of the deed allow a guilty negro to escape condign punishment.

Whatever may be said of their weakness when required to hold a white man or a rich man, the meshes of the law are certainly always strong enough to hold and punish a poor man or a negro. In this case there is neither color to blind, money to corrupt, nor powerful friends to influence court or jury against the claims of justice. All the presumptions of law and society are against the negro. In the days of slavery he was presumed to be a slave, even if free, and his word was never taken against that of a white man. To be accused was to be condemned, and the same spirit prevails to-day. This state of opinion at the South not only assures by law the punishment of black men, but enables white men to escape punishment by assuming the color of the negro in order to commit crime. It is often asserted that all negroes look alike, and it is only necessary to bring one of the class into the presence of an accuser to have him at once identified as the criminal.

In apologizing for lynch law, Bishop Fitzgerald, of the Methodist Church South, says that the crime alleged against the negro makes him an outlaw, and he goes on to complain of the North that it does not more fully sympathize with the South in its efforts to protect the purity of Southern women. The answer to the first proposition of the learned and pious Bishop is that no man is an outlaw unless declared to be such by some competent authority. It is not left to a lawless mob to determine whether a man is inside or outside the protection of the law. It is not for a dozen men or for a hundred men, constituting themselves a mob, to say whether or not Bishop Fitzgerald is an outlaw. We have courts, juries and governors to determine that question, and it is a shame to the South that it holds in its bosom a Bishop of the Church of Christ who could thus apologize for the subversion of all law. As to the sympathy of the North, there never was a time when it was more fully with the Southern people than now.

The distressing circumstances in this revival of lynch law in different parts of the South is, that it shows that prejudice and hatred have increased in bitterness with the increasing interval between the time of slavery and now. I have been frequently asked to explain this phase of our national problem. I explain it on

the same principle by which resistance to the course of a ship is created and increased in proportion to her speed. The resistance met by the negro is to me evidence that he is making progress. The Jew is hated in Russia, because he is thrifty. The Chinaman is hated in California because he is industrious and successful. The negro meets no resistance when on a downward course. It is only when he rises in wealth, intelligence, and manly character that he brings upon himself the heavy hand of persecution. The men lynched at Memphis were murdered because they were prosperous. They were doing a business which a white firm desired to do,—hence the mob and hence the murder. When the negro is degraded and ignorant he conforms to a popular standard of what a negro should be. When he shakes off his rags and wretchedness and presumes to be a man, and a man among men, he contradicts this popular standard and becomes an offence to his surroundings. He can, at the South, ride in a first-class car as a servant, as an appendage to a white man, but is not allowed to ride in his quality of manhood alone. So extreme is the bitterness of this prejudice that several States have passed laws making it a crime for a conductor to allow a colored man, however respectable, to ride in the same car with white men unless in the manner above stated.

To the question, What is to be the solution of this race hatred and persecution? I have two answers, one of hope and one of fear. There may come at the South satiety even in the appetite for blood. When a wall is raised to a height inconsistent with the law of gravitation, it will fall. The South is not all a wilderness. There are good men and good women there who will sooner or later make themselves heard and felt. No people can long endure the shame and disgrace of lynch law. The South, which has been compelled to keep step with the music of the Union, will also be compelled to keep step with the music of the nineteenth century, which is preëminently a century of enlightenment and progress. The grand moral forces of this century no barbarism can withstand. They met serfdom in Russia, and it fell before them. They will meet our barbarism against color, and *it* will fall before them. I am the more encouraged in this belief because, in various parts of the North, and especially in the State of Massachusetts, where fifty years ago there existed the same proscription which at the present time prevails in the South, all men

are now treated as equals before the law and are accorded the same civil rights.

I, however, freely confess that the present prospect has for me a gloomy side. When men sow the wind it is rational to expect that they will reap the whirlwind. It is evident to my mind that the negro will not always rest a passive subject to the violence and bloodshed by which he is now pursued. If neither law nor public sentiment shall come to his relief, he will devise methods of his own. It should be remembered that the negro is a man, and that in point of intelligence he is not what he was a hundred years ago. Whatever may be said of his failure to acquire wealth, it cannot be denied that he has made decided progress in the acquisition of knowledge; and he is a poor student of the natural history of civilization who does not see that the mental energies of this race, newly awakened and set in motion, must continue to advance. Character, with its moral influence; knowledge, with its power; and wealth, with its respectability, are possible to it as well as to other races of men. In arguing upon what will be the action of the negro in case he continues to be the victim of lynch law I accept the statement often made in his disparagement, that he is an imitative being; that he will do what he sees other men do. He has already shown this facility, and he illustrates it all the way from the prize ring to the pulpit; from the plow to the professor's chair. The voice of nature, not less than the Book of books, teaches us that oppression can make even a wise man mad, and in such case the responsibility for madness will not rest upon the man but upon the oppression to which he is subjected.

How can the South hope to teach the negro the sacredness of human life while it cheapens it and profanes it by the atrocities of mob law? The stream cannot rise higher than its source. The morality of the negro will reach no higher point than the morality and religion that surround him. He reads of what is being done in the world in resentment of oppression and needs no teacher to make him understand what he reads. In warning the South that it may place too much reliance upon the cowardice of the negro, I am not advocating violence by the negro, but pointing out the dangerous tendency of his constant persecution. The negro was not a coward at Bunker Hill; he was not a coward in Haïti; he was not a coward in the late war for the Union; he

was not a coward at Harper's Ferry, with John Brown ; and care should be taken against goading him to acts of desperation by continuing to punish him for heinous crimes of which he is not legally convicted.

I do not deny that the negro may, in some instances, be guilty of the peculiar crime so often imputed to him. There are bad men among them, as there are bad men among all other varieties of the human family, but I contend that there is a good reason to question these lynch-law reports on this point. The crime imputed to the negro is one most easily imputed and most difficult to disprove, and yet it is one that the negro is least likely to commit. It is a crime for the commission of which opportunity is required, and no more convenient one was ever offered to any class of persons than was possessed by the negroes of the South during the War of the Rebellion.

There were then left in their custody and in their power the wives and the daughters, the mothers and the sisters of the rebels, and during all that period no instance can be cited of an outrage committed by a negro upon the person of any white woman. The crime is a new one for the negro, so new that a doubt may be reasonably entertained that he has learned it to any such extent as his accusers would have us believe. A nation is not born in a day. It is said that the leopard cannot change his spots nor the Ethiopian his skin, and it may be as truly said that the character of a people, established by long years of consistent life and testimony, cannot be very suddenly reversed. It is improbable that this peaceful and inoffensive class has suddenly and all at once become changed into a class of the most daring and repulsive criminals.

Now, where rests the responsibility for the lynch law prevalent in the South ? It is evident that it is not entirely with the ignorant mob. The men who break open jails and with bloody hands destroy human life are not alone responsible. These are not the men who make public sentiment. They are simply the hangmen, not the court, judge, or jury. They simply obey the public sentiment of the South, the sentiment created by wealth and respectability, by the press and the pulpit. A change in public sentiment can be easily effected by these forces whenever they shall elect to make the effort. Let the press and the



pulpit of the South unite their power against the cruelty, disgrace and shame that is settling like a mantle of fire upon these lynch-law States, and lynch law itself will soon cease to exist.

Nor is the South alone responsible for this burning shame and menace to our free institutions. Wherever contempt of race prevails, whether against African, Indian, or Mongolian, countenance and support are given to the present peculiar treatment of the negro in the South. The finger of scorn at the North is correlated to the dagger of the assassin at the South. The sin against the negro is both sectional and national, and until the voice of the North shall be heard in emphatic condemnation and withering reproach against these continued ruthless mob-law murders, it will remain equally involved with the South in this common crime.

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